

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

May 8, 2021
10:05 a.m.

MEMBERS PRESENT

Senator Roger Holland, Cha
Senator Mike Shower, Vice Chair (via Teams)
Senator Shelley Hughes
Senator Robert Myers
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 39

"An Act relating to elections; relating to voter registration; relating to ballots and a system of tracking and accounting for ballots; establishing an election offense hotline; designating as a class A misdemeanor the collection of ballots from other voters; designating as a class C felony the intentional opening or tampering with a sealed ballot, certificate, or package of ballots without authorization from the director of the division of elections; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 39

SHORT TITLE: BALLOT CUSTODY/TAMPERING; VOTER REG; MAIL

SPONSOR(s): SENATOR(s) SHOWER

01/25/21	(S)	PREFILE RELEASED 1/15/21
01/25/21	(S)	READ THE FIRST TIME - REFERRALS
01/25/21	(S)	STA, JUD
01/26/21	(S)	STA AT 3:30 PM BUTROVICH 205
01/26/21	(S)	-- MEETING CANCELED --
01/28/21	(S)	STA AT 3:30 PM BUTROVICH 205
01/28/21	(S)	Heard & Held
01/28/21	(S)	MINUTE(STA)

02/02/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/02/21	(S)	Heard & Held
02/02/21	(S)	MINUTE(STA)
02/09/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/09/21	(S)	Scheduled but Not Heard
02/11/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/11/21	(S)	Heard & Held
02/11/21	(S)	MINUTE(STA)
02/16/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/16/21	(S)	Heard & Held
02/16/21	(S)	MINUTE(STA)
02/18/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/18/21	(S)	-- MEETING CANCELED --
02/25/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/25/21	(S)	Heard & Held
02/25/21	(S)	MINUTE(STA)
03/16/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/16/21	(S)	Heard & Held
03/16/21	(S)	MINUTE(STA)
03/18/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/18/21	(S)	Scheduled but Not Heard
03/30/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/30/21	(S)	Scheduled but Not Heard
04/01/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/01/21	(S)	-- MEETING CANCELED --
04/08/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/08/21	(S)	Scheduled but Not Heard
04/15/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/15/21	(S)	Heard & Held
04/15/21	(S)	MINUTE(STA)
04/20/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/20/21	(S)	-- MEETING CANCELED --
04/21/21	(S)	STA WAIVED PUBLIC HEARING NOTICE, RULE 23
04/22/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/22/21	(S)	Heard & Held
04/22/21	(S)	MINUTE(STA)
04/22/21	(S)	STA AT 6:00 PM BUTROVICH 205
04/22/21	(S)	Heard & Held
04/22/21	(S)	MINUTE(STA)
05/04/21	(S)	STA AT 3:30 PM BUTROVICH 205
05/04/21	(S)	Moved CSSB 39(STA) Out of Committee
05/04/21	(S)	MINUTE(STA)
05/07/21	(S)	STA RPT CS 1DP 1DNP 2NR 1AM NEW TITLE
05/07/21	(S)	DP: SHOWER
05/07/21	(S)	DNP: KAWASAKI
05/07/21	(S)	NR: COSTELLO, REINBOLD

05/07/21	(S)	AM: HOLLAND
05/07/21	(S)	JUD AT 1:30 PM BUTROVICH 205
05/07/21	(S)	Heard & Held
05/07/21	(S)	MINUTE (JUD)
05/08/21	(S)	JUD AT 10:00 AM BUTROVICH 205

WITNESS REGISTER

CORINNE AKERS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

ERIC MUENCH, representing self
Ketchikan, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

LEON JAIMES, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

MICHAEL GARVEY
American Civil Liberties Union of Alaska (ACLU)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

ROBERT WALTON, representing self
Douglas, Alaska

POSITION STATEMENT: Testified with concerns about election timelines in SB 39.

JAMIE RODRIGUEZ, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

MARY BORTHWICK, representing self
Juneau, Alaska

POSITION STATEMENT: Testified with concerns about the penalty provisions, application timelines, digital authentication process, and distributed ledger process in SB 39.

SUE SHERIF, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified with concerns about penalties for delivering ballots and blockchain technology in SB 39.

SANDRA MURRAY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

FELISA WILSON, representing self
Joint Base Elmendorf Richardson
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

SHELLIE GOODEN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

CORIE DEVRIES, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 39.

MORGAN LIM, Planned Parenthood Alliance Advocate (PPAA)
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

DIANN DARNALL, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified with concern on SB 39.

BERT HOUGHTALING, representing self
Big Lake, Alaska

POSITION STATEMENT: Testified in support of SB 39.

PATRICIA DOOLEY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39 due to the barriers to voting.

BECKY STOPPA, representing self
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

TOM BOUTIN, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 39.

MARY ELIZABETH KEHRHAHN-STARK, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

GORDON DEVRIES, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 39 to bring confidence in elections.

TONY KALISS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

JOAN DIAMOND, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

NICKY EISEMAM, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

EVAN ANDERSON
Alaska Center Education Fund
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 39.

CHANDRA CAFFROY
Alaskans for Constitutional Rights (ACR)
Homer, Alaska

POSITION STATEMENT: Testified in support of SB 39.

KELLY NASH, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 39.

JEAN HOLT, representing self
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 39.

RUBEN ANDERSON, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 39.

CHRISTINE HUTCHINSON, representing self
Kenai, Alaska

POSITION STATEMENT: Testified in support of SB 39.

ACTION NARRATIVE

10:05:57 AM

CHAIR ROGER HOLLAND called the Senate Judiciary Standing Committee meeting to order at 10:05 a.m. Present at the call to

order were Senators Myers, Hughes, Shower (via Teams), Kiehl, and Chair Holland.

SB 39-BALLOT CUSTODY/TAMPERING; VOTER REG; MAIL

10:06:35 AM

CHAIR HOLLAND announced the consideration of SENATE BILL NO. 39 "An Act relating to elections; relating to voter registration; relating to ballots and a system of tracking and accounting for ballots; establishing an election offense hotline; designating as a class A misdemeanor the collection of ballots from other voters; designating as a class C felony the intentional opening or tampering with a sealed ballot, certificate, or package of ballots without authorization from the director of the division of elections; and providing for an effective date."

[CSSB 39(STA) was before the committee and this was the second hearing on the bill.]

10:07:23 AM

SENATOR HUGHES pointed out that sometimes people testify on the original bill rather than the current version, which does not reflect any changes the legislature has made to the bill. She directed the public to the committee substitute (CS) for SB 39, Version N.

10:07:54 AM

CHAIR HOLLAND opened public testimony on SB 39.

10:08:06 AM

At ease

10:08:15 AM

CHAIR HOLLAND reconvened the meeting. He advised the public that written comments could be sent to sjud@akleg.gov.

10:09:15 AM

CORINNE AKERS, representing self, Anchorage, Alaska, said she is a 43-year resident. She spoke in opposition to SB 39 because the bill appears to make it more difficult to vote; instead, the legislature should make it easier for residents to vote.

10:10:40 AM

ERIC MUENCH, representing self, Ketchikan, Alaska, stated that he is a longtime Alaskan. He offered his belief that the goal of state government should be to make voting as easy as possible for all citizens. Any law, regulation or procedure that that

limits or makes it more complicated for voters in communities and regions to access the polls is unconstitutional on its face unless it remedies a defect or past abuse. He said SB 39 has many provisions that will cause bad effects. It also fails to address a need or to justify its provisions so the bill should be rejected by this committee. He stated opposition to SB 39.

10:12:40 AM

LEON JAIMES, representing self, Anchorage, Alaska, spoke in opposition to SB 39. He said he testified on SB 39 at a previous committee. He explained that he implements digital multi-factor identification systems for banks and hospitals in his work. These systems are difficult for the doctors and attorneys to use so he ventured it would be hard for the general population to use. Further, these systems have substantial hidden costs but the fiscal note does not include a rough estimate of those costs. He estimated that such a system would cost tens of millions of dollars to implement and millions more in annual operating costs. He wondered how the state would pay for such a system at a time of budget crisis. He cautioned against naming brands or specific technologies such as distributed ledgers in the bill because it would necessitate constantly revising the statutes.

He explained that distributed technology is a means to distribute data in transactions not a system to protect that data. Existing data technologies already have methods for encryption and audit trails. Further, distributed technology requires a specialized computer science, cryptography skill set, which is in such high demand that the state would not likely be able to acquire it but if it did, it would be very expensive.

10:15:42 AM

MICHAEL GARVEY, American Civil Liberties Union of Alaska (ACLU), Anchorage, Alaska, said ACLU Alaska is encouraged by the updated provisions that help voter engagement such as ballot curing, the use of travel identification cards, and to choose to receive absentee ballots by mail for future, regularly scheduled elections. However, he views Section 54 as an unconstitutional attempt to diminish the power and duty of the judicial branch to interpret laws to ensure that laws do not violate the constitutional guarantees. It seeks to give the legislature the authority to determine how to conduct elections in Alaska. The result could be the restriction of Alaskans' voting rights without consequence.

MR. GARVEY said the ACLU is concerned that the bill would make unnecessary and expensive technological changes to Alaska's elections that will present risks for data security, disenfranchisement, and cost. Distributive ledger technology is premised on the idea that more people being involved in data maintenance increases the accuracy of data. However, this approach inherently presents significant privacy, confidentiality, and data security concerns that are not addressed by SB 39. More entry points into a data system creates more opportunity to compromise the system. The bill does not specify if it would be public and it does not describe what election data would be specifically covered.

MR. GARVEY said that requiring voters to use a multi-factor authentication process presents similar concerns. For example, if the state were to send confirmation codes to voters by text message, it could create a huge security risk because text messages are not encrypted. This system would create a vast new data set for the state to keep secure. Voters may not have the technology or internet access needed to use the technology or may have language assistance needs that the system cannot meet. While the bill would create an exemption for those unable to use digital multi-factor authentication, it does not specify how that determination would be made, when, or by whom.

MR. GARVEY said the state should ensure that these systems will work, are secure, affordable and do not inhibit Alaskans voting rights before requiring them through statute.

MR. GARVEY said finally, the ACLU is concerned about the additional rules and requirements SB 39 would impose on Alaskans voting absentee. SB 39 would create new election crimes and increase penalties for existing crimes, including ones that will make it harder for a person to help elders or disabled veterans in their communities to vote. He said everyone agrees that Alaska election security could be improved, but the bill is based on an inaccurate diagnosis of the problems. The ACLU believes that election improvements should maximize engagement and help Alaskans exercise their right to vote rather than making it unnecessarily complicated, stringent and costly.

10:19:04 AM

ROBERT WALTON, representing self, Douglas, Alaska, said he is working off CSSB 39(STA) and hopes that is the right version of the bill. He expressed his main concerns. First, the period to request absentee ballots will increase from 10 days prior to an election to 14 days. However, the timeline to return the ballot

is shortened from receipt by 10 days after an election to receipt by seven days after an election. Since this does not address a security impact, it should not be included in the bill. Second, the bill adds new reasons for contested elections, such that a person can contest an election due to a data breach or ballot accounting irregularity sufficient to change the outcome. However, since those terms are not defined, it seems to allow people to challenge any election when they do not like the outcome. Third, it appears that this bill would outlaw election by mail for localities with populations over 3,000 people unless a disaster declaration has been issued, which he thought was a bad idea. He said it appears this bill would criminalize someone helping their elderly neighbor to vote. He referred to page 25, lines 5 to 10 to Section 48, subsection (a) (8) reads:

- (8) knowingly collects a ballot from a voter unless
 - (A) the voter expressly requested that the person collect the ballot;
 - (B) the person did not solicit the ballot; and
 - (C) the person did not collect more than six ballots voted in a single election.

He suggested that subparagraph (B) should be stricken or amended to allow people to offer to help their neighbors. It should not be a crime, he said.

SENATOR SHOWER explained that the timelines in the bill were based on Colorado's laws to assist voters with ballot curing. He pointed out that people can already challenge election results. He said that local communities still maintain control over their elections and SB 39 does not change that. He said that ballot harvesting was debated in committee. He maintained that unless it is a family member or caregiver was offering to help, it opens it to ballot harvesting. He maintained the need for this language.

10:24:00 AM

JAMIE RODRIGUEZ, representing self, Anchorage, Alaska, said she has been an Alaskan since 1974, during which time she has witnessed a fair, accessible, inclusive and secure voting system that ensures every Alaskan will have the opportunity to exercise their right to vote, no matter their location, physical ability or work. She offered her belief that the legislature should focus on providing rural Alaska with broadband and more access to voting instead of working on a bill that seems to disenfranchise voters, will waste millions of dollars, potentially divert money and dollars to special interests and

make it more difficult for Alaska's elders, rural and low-income residents to cast their votes. SB 39 continues to propagate the false narrative that widespread voter fraud exists when it does not, she said. During the 2020 election, the Division of Elections made it easy for everyone to vote in spite of the COVID-19 challenges. Any changes to election law should be for the sole purpose of helping Alaskans cast their votes. She urged members not to politicize the voting process. She suggested merging HB 66 with SB 39 to create one fair bill that reflects all Alaskans right to vote.

10:26:43 AM

CHAIR HOLLAND related his understanding that the sponsor would like to find common ground to move forward on HB 66 and SB 39.

SENATOR SHOWER explained that he has been working on HB 66 to find a compromise solution that will work for as many people as possible on both sides of the aisle. He stated that the reason for the bill is not to litigate the 2020 election. He said he has been working on this bill for three years, that the bill has little to do with fraud; rather, SB 39 relates to voter rolls and data protection.

10:28:32 AM

MARY BORTHWICK, representing self, Juneau, Alaska, said she has concerns about the penalty provisions, application timelines, digital authentication process, and distributed ledger process in SB 39. She said she has lived in Juneau longer than most members have been alive. She expressed concern about the felony penalty provisions for well-meaning people helping seniors or the disabled to vote.

MS. BORTHWICK expressed concern about shortening the application timeline because U.S. Postal Service mail delivery is slower now. In some cases, letters that would normally take five transit days now take 12 days to arrive. It may mean that an Absentee Ballot Application will not arrive in time or that the returned ballot would not arrive at the Division of Elections in time to be counted. Third, the digital authentication process is too complicated. She wondered who will determine when the voter is unable to use the authentication system, whether the person could just say he or she did not understand it and could request a different process or if the alternative process will be clearly defined. Fourth, she offered her view that the distributed ledger technology sounds like one more way to monitor people. She agreed with the previous testifier who cautioned against listing company names in statute. She related

her understanding that the bill will require voting machines be made in the U.S. She said she hoped that enough quality machines would be available that were manufactured completely in the U.S. She wondered if that meant that no parts could be manufactured in China and how strictly that would be enforced.

10:31:28 AM

SUE SHERIF, representing self, Fairbanks, Alaska, said that she also submitted written testimony. She acknowledged that election security should be a goal everyone shares. She applauded Senator Shower's concerns and his work on a compromise bill. She offered her belief that SB 39 is an overkill solution to a problem that seems to stem from random errors rather than widespread fraud or tampering with Alaska's elections. She said she agrees with many of the previous testifiers about some of the weaknesses in the bill.

MS. SHERIF said that she would like to be able to ask a neighbor if she can take her absentee ballot to the post office. She explained she is a single, senior with a compromised immune system without home mail delivery, who relies on her neighbors for help. Second, she expressed concern about the use of blockchain technology and that specific companies would be listed in statute, requiring an annual review. As Mr. James testified to earlier, the technology is not inexpensive. This comes at a time when the state is facing budget deficits. Third, the Information Technology (IT) experts do not necessarily endorse the use of blockchain types of technology for elections. For example, the National Academy of Sciences has reported:

While the notion of using a blockchain as an immutable ballot box may seem promising, blockchain technology does little to solve the fundamental security issues of elections, and indeed, blockchains introduce additional security vulnerabilities.

MS. SHERIF stated that Ronald Rivest, a cryptographer and senior professor at MIT who has looked at voting technology extensively said:

People often think that using more technology is a good thing, and that we get more benefits and more security from technology. In fact, it tends to work the opposite way. More technology typically means more complexity. And more complexity means less security.

MS. SHERIF commented that she provided links to those studies in her written testimony. She said she hoped that members would reconsider using these types of specific technology.

CHAIR HOLLAND stated that blockchain technology has been removed from the bill.

SENATOR SHOWER cautioned that systems are already being hacked. He advised Ms. Sherif that voters can ask someone to take their ballots to the post office, but people cannot ask to deliver a ballot to the USPS. He characterized the bill as moving the Division of Elections into the 21st Century by using best practices.

10:38:05 AM

SANDRA MURRAY, representing self, Anchorage, Alaska, spoke in opposition to SB 39 because it will criminalize community members and punish them for picking up absentee ballots for neighbors and friends and delivering them to a U.S. Post Office drop box. Second, it will place undue burden on voters by using digital authentication verification when there is not any evidence of voter fraud. Finally, it will prohibit the Division of Elections from counting ballots until 7 days prior to the election. She offered her belief that Alaska's elections currently work well so SB 39 should be rejected.

10:39:12 AM

FELISA WILSON, representing self, Joint Base Elmendorf Richardson, Anchorage, Alaska, spoke in opposition to SB 39. She said she is a physician who has resided in Alaska since 2015. She said she worked as an election official in the 2020 elections. She observed firsthand the Alaska election process and the technology. She raised concerns about some sections of the bill, including sections 41, 45, 46, and 48, with specific concerns about changes to timelines that may affect whether ballots will be counted, allowing the director the latitude to limit elections to mail may adversely affect rural areas due to mail service delays. She expressed concern about blockchain technology, using multi-factor authentication, and criminalizing neighbors or church members from offering to help deliver their friends' or neighbors' ballots to the post office. She urged members to consider public testimony because it outlines the burdens SB 39 will impose on the public, division staff and the adverse fiscal impact to the state.

10:44:45 AM

SHELLIE GOODEN, representing self, Anchorage, Alaska, stated that she prefers the language in HB 66. She offered her belief that SB 39 is punitive. She expressed concern that some of Alaska's indigenous residents do not have internet access and experience mail delays and that Alaska's elections will be modeled after Colorado's election laws. Further, the bill disenfranchises disabled, elderly and medically challenged Alaskans who cannot participate in same day or in-person voting. She offered her belief that ballot harvesting is not an issue in Alaska. She said she had difficulty finding amendments to the bill and just learned about this hearing an hour ago.

CHAIR HOLLAND responded that this meeting was public noticed on April 30 and is being held on a Saturday to allow the public an opportunity to testify on the bill and not need to take time off from work to do so.

SENATOR SHOWER remarked that his chief of staff was trained and paid to harvest ballots in a previous gubernatorial campaign.

10:48:38 AM

CORIE DEVRIES, representing self, Palmer, Alaska, spoke in support of SB 39. She acknowledged that issues exist that affect the integrity of the election system. She said that she has heard of instances of ballot harvesting, which will be addressed by the bill. She offered her view that SB 39 does not disenfranchise voters but will ensure that every legal vote is counted. She spoke in support of the provision to allow voters an opportunity to cure their ballots.

10:50:05 AM

MORGAN LIM, Planned Parenthood Alliance Advocate (PPAA), Juneau, Alaska, stated that PPAA opposes SB 39 because it is a voter suppression bill that imposes barriers to access the polls. He said the bill claims to combat election fraud in Alaska, but that is a baseless claim that is the foundation for a bill in search of a problem. If passed, it will disenfranchise voters. He said PPAA supports policies that make it easier for all voters to register and cast a ballot. It is unfortunate that the U.S. has not lived up to its promise of equal access to the ballot box, but Black, indigenous, and people of color are likely to face barriers to voting. Alaska, like many places throughout the country, is plagued with inadequate polling places and increasingly limited voting hours, disenfranchises formerly incarcerated individuals and has systematic efforts to suppress the vote in communities.

MR. LIM described SB 39 as part of a nationwide voter-suppression trend. He pointed out that during the first three months of 2021, 47 states introduced 361 voter suppression bills. He maintained that despite claims to the contrary by proponents, Version N has the same goal as the original bill. It imposes a cascade of barriers on voting. He reiterated that the current version of SB 39 creates a web of barriers to voting. He urged the committee to take steps to allow eligible Alaskans to be registered to vote. He urged the committee not to move the bill.

10:52:28 AM

DIANN DARNALL, representing self, Fairbanks, Alaska, expressed concern about the costs to implement SB 39. She echoed previous testifiers. She recalled the bill version she reviewed did include blockchain technology. She expressed concern about shortening the mail ballot timeframe rather than lengthening the time ballots can be received due to mail delays, imposing criminal penalties for those who offer to deliver their elderly and disabled neighbors' ballots to the USPS drop box. She said she did not believe significant problems in Alaska's elections exist, that she would like the state to make it easier and not harder to vote.

10:55:01 AM

BERT HOUGHTALING, representing self, Big Lake, Alaska, said that he has observed the effects ballot harvesting has had over the years. He supported his view that vote fraud exists by pointing out that former Representative LeDoux has been charged with federal and state election criminal charges. He said that ballot harvesting has become very apparent in Alaska. He surmised that teams of people collect ballots with prefilled signatures by going door to door. He supports any bill that ensures that Alaska's elections are safer and secure.

10:56:55 AM

PATRICIA DOOLEY, representing self, Anchorage, Alaska, said she is a longtime Alaska resident. She spoke in opposition to SB 39. She expressed concern about the barriers to voting in SB 39, including the multi-factor authentication requirements. She said she did not find any evidence of widespread fraud with Alaska's election processes and laws that ensure the elections are secure. Anchorage's vote-by-mail system uses Dominion voting machines, which she has found to be fast and secure. She said she has never had an issue voting absentee. She offered her support for the ballot curing provision in the bill but the bill should define ballot harvesting.

10:59:54 AM

BECKY STOPPA, representing self, Wasilla, Alaska, spoke with some concerns about SB 39, including the multi-factor authentication requirements, witness provisions in Section 30, and penalty provisions that will create undue burdens for seniors, those with disabilities and rural Alaskans. Further, the bill lacks a fiscal note. She offered her belief that the bill will make it more difficult for people to vote. She urged members not to move the bill as currently written.

11:01:26 AM

TOM BOUTIN, representing self, Juneau, Alaska, spoke in support of SB 39. He said he was alarmed by the election issues that led to criminal charges against former Representative LeDoux. He offered his view that SB 39 will address that issue. He offered his view that it is not good to send ballots to those on outdated voter rolls. He said he did not mind extra effort to register to vote and to prove his eligibility to vote. He said he hoped that this bill will fix problems with Alaska's elections and the integrity of elections will be restored.

11:02:50 AM

MARY ELIZABETH KEHRHAHN-STARK, representing self, Fairbanks, Alaska, spoke in opposition to SB 39. She expressed concern about the multi-factor authentication provision that will make it more complicated for people to vote and not allowing a friend or neighbor to help in the voting process. She offered her view that this bill is a reaction to the 2020 election. Other than the issue raised by previous speakers about former Representative LeDoux, there has not been signs of malicious voting issues. She offered her belief that SB 39 makes voting more complicated and burdensome.

11:05:29 AM

GORDON DEVRIES, representing self, Palmer, Alaska, spoke in support of SB 39. He stated that last fall the Division of Elections was hacked and information was compromised. Alaskans want access to in person, absentee and by mail ballots but Alaska cannot currently provide this in a manner that gives them confidence in their election system. He expressed concern that Alaska's voter rolls are inaccurate. He offered his view that SB 39 is a broad-based bill that will leverage technology to make voting secure while increasing access. Since it isn't possible to hand cast and count ballots, which he would prefer, technology is how elections occur. Thus, it is incumbent upon the state to make Alaska's elections beyond reproach. He offered

his view that bipartisan federal election reviews have highlighted that harvesting ballots is a major factor in undermining voter confidence. Voting should be accessible to all qualified citizens and secure. He offered his belief that the state should spend money on the integrity of the election system so Alaskans can have confidence in the system.

11:07:42 AM

TONY KALISS, representing self, Anchorage, Alaska, said he previously taught for nine years in Utqiagvik in rural Alaska. He offered his view that SB 39 is one of many voter suppression bills in the U.S. whose goal is to restrict voting. He offered his belief that these bills are undemocratic bills. The U.S. has a long history of practices that restricted women, Native Americans, and Blacks from voting. This is not a tradition that should continue, he said. On the other hand, the U.S. also has a tradition of working to expand voting rights, including instituting automatic voter registration via the permanent fund dividend and providing voting materials in Native languages. He supported the provision in SB 39 that will allow tribal identification cards to be used. He said the state should do everything possible to make voting easy and accessible. He said he agreed with the issues raised about blockchain and digital multi-factor authentication, which makes it much more difficult for ordinary people to vote.

11:10:52 AM

JOAN DIAMOND, representing self, Anchorage, Alaska, stated she is a 50-year Alaska resident. She spoke against SB 39, noting that she agreed with many of the comments previous testifiers made. She said she wants voting to be accessible and easy for Alaskans and recognizes that the Division of Elections has done a good job.

11:11:27 AM

NICKY EISEMAM, representing self, Fairbanks, Alaska, spoke in opposition to SB 39 for many of the reasons previous testifiers gave. She stated that she has been a resident for 45 years and has worked as an election official for five years. She offered her view that Alaska and the U.S. experience low voter turnout. The state should look for ways to increase voter turnout and not decrease it and focus on voters being disenfranchised rather than looking for problems that do not exist. She said the term "ballot harvesting" is broad. She expressed concern that the language in SB 39 may create concern that people will face class A misdemeanor penalties if they take their neighbor's ballot to a mail drop box. She said it seems wrong to threaten someone

with jail time for helping someone vote. She offered her belief that the intent of the bill is voter suppression. She urged members not to move the bill forward.

[11:14:31 AM](#)

EVAN ANDERSON, Alaska Center Education Fund, Anchorage, Alaska, voiced opposition to SB 39. [Mr. Anderson's call was dropped due to technical difficulties. He resumed his testimony at 11:21 a.m.]

[11:15:54 AM](#)

CHANDRA CAFFROY, Alaskans for Constitutional Rights (ACR), Homer, Alaska, offered ACR's support for SB 39. She offered her belief that this bill does not go far enough. She expressed concern about inaccurate voter rolls, the Division of Election being hacked and voter fraud. This does not give people confidence in the election process or the lieutenant governor who has authority over elections in Alaska, she said.

[11:17:47 AM](#)

KELLY NASH, representing self, Fairbanks, Alaska, spoke in support of SB 39 due to voter fraud. She expressed concern that voter information was hacked. She said she was surprised that people opposed the bill since voter integrity is important. She suggested that since people can vote absentee, it really is not necessary for someone to pick up their ballots. She spoke in support of the multi-factor authentication requirement in the bill but would prefer the state used paper ballots to reduce voter fraud.

[11:19:41 AM](#)

JEAN HOLT, representing self, Palmer, Alaska, spoke in support of SB 39 and any other bills that support election integrity. She offered her belief that every legal vote should be counted. The legislature needs to commit to the integrity of the elections and restore the process for all Alaskans.

[11:20:55 AM](#)

EVAN ANDERSON, Alaska Center Education Fund, Anchorage, Alaska, resumed his testimony. He stated that he applauds the committee for working together to tackle election security and modernization, but he opposes SB 39. He cautioned against specifying the three or four vendors for the blockchain technology listed in the bill. Writing that type of specificity into statute creates a directive for the Division of Elections to follow. These are good suggestions but if the bill were to pass the division would need to implement these costly

solutions. Another area of specificity is the Interstate Voter Registration Crosscheck Program in the bill. He said that at least 11 states have dropped this program in the last three years because of issues with fraud and technology issues. He offered his view that the state's affiliation with the Electronic Registration Information Center (ERIC) is a strong one that he would like to see continued.

11:22:22 AM

RUBEN ANDERSON, representing self, Fairbanks, Alaska, spoke in support of SB 39 to tighten up Alaska's election system. He spoke in favor of chain of custody, voter registration and signature verification requirements in the bill. He said he found the voter suppression label given to SB 39 offensive and ridiculous. He expressed concern about the 2020 election. He spoke in support of strengthening election integrity. He suggested that if people can go to the grocery store or bank, they can go to a polling place. He said that people want fair elections where all legal votes count but illegal votes do not.

11:24:41 AM

CHRISTINE HUTCHINSON, representing self, Kenai, Alaska, spoke in support of SB 39. She agreed with the previous speaker that this is not a voter suppression bill. She said she supports SB 39 because it provides direction in the election process that will improve elections and restore integrity. She emphasized the importance of knowing what happens to ballots. She expressed concern that the general public does not fully understand how elections work. Thus, it is important for the legislature to pay attention to the details and tighten up the election process. She offered her view that even if it is more difficult, the option to vote is still available to people.

11:26:56 AM

CHAIR HOLLAND, after first determining no one wished to testify, closed public testimony on SB 39.

[SB 39 was held in committee.]

11:27:25 AM

There being no further business to come before the committee, Chair Holland adjourned the Senate Judiciary Standing Committee meeting at 11:27 a.m.